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FM AMEMBASSY HANOI
TO SECSTATE WASHDC 7647
INFO ASEAN COLLECTIVE
AMEMBASSY BEIJING
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C O N F I D E N T I A L SECTION 01 OF 04 HANOI 002345

SIPDIS

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E.O. 12958: DECL: 09/27/12
TAGS: PGOV PINS PREL ECON SOCI PHUM VM DPOL HUMANR
SUBJECT: VIETNAM'S POLITICAL FUTURE

¶1. (U) CLASSIFIED BY AMBASSADOR RAYMOND BURGHARDT,
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REASON: 1.5 (D)

¶2. (C) SUMMARY. THE EXPANSION OF PERSONAL FREEDOMS AND DIMINISHMENT OF CPV AND STATE CONTROL OVER INDIVIDUAL LIVES HAVE BEEN WELCOME TRENDS OVER THE PAST TWO DECADES. NEW INITIATIVES TO DEVELOP RULE OF LAW ARE ALSO HOPEFUL SIGNS OF CHANGE AS WELL AS ESSENTIAL COMPONENTS OF VIETNAM'S CONTINUED INTEGRATION INTO THE INTERNATIONAL MARKET ECONOMY. STRENGTHENED, MORE GENUINE LEGAL SYSTEMS WILL EVENTUALLY CHALLENGE THE CPV'S EFFECTIVE ABILITY TO RETAIN FINAL SAY ON ALL MAJOR POLICY AND LEGAL ISSUES, HOWEVER. THE CURRENT GENERATION OF LEADERSHIP IS PROBABLY TOO BUSY SUSTAINING THE NEEDED MOMENTUM OF ECONOMIC GROWTH TO COPE WITH THIS DILEMMA. MORE RESULTS-ORIENTED AND/OR WESTERN-EDUCATED OFFICIALS FIVE OR TEN YEARS FROM NOW MAY BE ABLE TO ACCEPT -- OR POSSIBLY EVEN INSIST ON -- A MORE PASSIVE CPV ROLE. LESS PROGRESSIVE LOCAL OFFICIALS, AS WELL AS CONSERVATIVE AND FRUSTRATED ELEMENTS WITHIN THE MILITARY, MAY CONTINUE TO BE DRAGS ON ANY EVENTUAL POLITICAL TRANSFORMATION, HOWEVER. END SUMMARY.

THE GOOD NEWS

¶3. (C) THE RELATIONSHIP BETWEEN THE STATE AND SOCIETY IN VIETNAM HAS UNDERGONE SIGNIFICANT -- AND MOSTLY WELCOME -- CHANGE OVER THE SIXTEEN YEARS SINCE THE COMMUNIST PARTY OF VIETNAM (CPV) AND GOVERNMENT OF VIETNAM (GVN) INSTITUTED THE "DOI MOI" POLICY OF
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RENOVATION (MORE LITERALLY, "NEW CHANGE"). THE OVERALL THRUST HAS BEEN TO REDUCE THE MICRO-MANAGEMENT BY THE STATE NOT ONLY IN ECONOMIC PLANNING AND PERFORMANCE BUT ALSO IN THE PERSONAL LIVES OF ITS CITIZENS.

¶4. (U) VIETNAMESE NOW HAVE DRAMATICALLY MORE PERSONAL FREEDOMS THAN THEY DID TWO DECADES AGO. THEY CAN TRAVEL ESSENTIALLY WITHOUT RESTRICTION DOMESTICALLY, AND GO OVERSEAS WITH CONSIDERABLE EASE -- AS LONG AS THEY CAN GET A FOREIGN VISA AND HAVE ACCESS TO SUFFICIENT FINANCIAL RESOURCES (THEIR OWN OR THEIR VIET KIEU RELATIVES). FARMERS LARGELY DECIDE ON THEIR OWN WHAT CROPS TO GROW AS WELL AS HOW, WHERE, AND FOR HOW MUCH TO SELL THEM. NEW ENTRANTS INTO THE JOB MARKET MOSTLY FIND THEIR OWN JOBS, INCREASINGLY IN NON-STATE SECTOR EMPLOYMENT. (ACCORDING TO WORLD BANK ESTIMATES, THE PRIVATE SECTOR WILL HAVE TO CREATE MORE OR LESS ALL OF THE APPROXIMATELY 2 MILLION NEW JOBS NEEDED ANNUALLY OVER THE NEXT TEN YEARS.) MOST -- IF NOT VIRTUALLY

ALL -- RURAL CITIZENS LIVE IN THEIR OWN HOMES, WHICH THEY BUILD AND/OR EXPAND AT THEIR OWN EXPENSE. A SIGNIFICANT PERCENTAGE OF URBAN RESIDENTS INCREASINGLY DO THE SAME. MORE CHURCHES AND TEMPLES ARE AVAILABLE FOR ROUTINE USE BY THE FAITHFUL -- ALBEIT UNDER THE SUPERVISION OF GOVERNMENT-SANCTIONED ADMINISTRATIVE ORGANS -- AND THE NUMBERS OF RELIGIOUS WORKERS ARE STEADILY INCREASINGLY AGAIN AS RELIGIOUS SEMINARIES HAVE BEEN RE-OPENED AND EXPANDED.

¶5. (C) THE INTRUSIONS INTO INDIVIDUAL LIVES BY PUBLIC SECURITY FORCES HAVE DIMINISHED, ALTHOUGH THE GVN

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RETAINS THE CAPABILITY OF MONITORING MAIL, TELEPHONES, AND E-MAIL, AS WELL AS WATCHING VISITORS FOR THOSE CITIZENS WHOSE LOYALTY IS IN DOUBT OR ARE BELIEVED TO BE ENGAGED IN SUSPICIOUS OR ILLEGAL ACTIVITIES. VISIBLE SURVEILLANCE OF FOREIGNERS HAS DECLINED. THE PENALTIES OR HARASSMENT OF VIETNAMESE CITIZENS WHO BEFRIEND FOREIGNERS, INCLUDING DIPLOMATS, SEEM TO BE MORE RARELY INVOKED. DISCUSSIONS, EVEN ON POLITICAL ISSUES, AT HANOI'S UBIQUITOUS BEER HALLS ARE MORE AND MORE FREE-WHEELING, ALTHOUGH ALMOST INEVITABLY STOPPING SHORT OF ANY DIRECT CRITICISM OF THE CPV OR CALLING FOR MULTI-PARTY DEMOCRACY.

THE BAD NEWS

¶6. (C) CPV LEADERS CONTINUE TO DEMONSTRATE ZERO TOLERANCE OF POLITICAL PLURALISM OR ANY INTENTION TO LOOSEN THEIR GRIP ON THE MONOPOLY OF POLITICAL POWER. THE CPV'S POLITBURO, AND TO A LESSER DEGREE THE CENTRAL COMMITTEE, REMAIN THE NEXUS OF ALL IMPORTANT DECISION-MAKING. IN THE RUN-UP TO THE 11ST NATIONAL ASSEMBLY INAUGURAL SESSION IN JULY AND AUGUST 2002, FOR EXAMPLE, POLITBURO AND CENTRAL COMMITTEE MEETINGS ARE BELIEVED TO HAVE HAMMERED OUT THE NEW GOVERNMENT LINE-UP THAT WAS THEN DULY RATIFIED BY THE NA DELEGATES. SIMILARLY, THE ELABORATE VETTING PROCESS FOR NA CANDIDATES FOR THE

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	FRB-00	HHS-01	H-01	TEDE-00	INR-00	IO-00	ITC-01
	LAB-01	L-00	VCE-00	MOFM-05	MOF-01	AC-01	NRRC-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	OPIC-01	PA-00	PM-00
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R 270931Z SEP 02
FM AMEMBASSY HANOI
TO SECSTATE WASHDC 7648
INFO ASEAN COLLECTIVE
AMEMBASSY BEIJING
SECDEF WASHDC
USCINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 02 OF 04 HANOI 002345

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MAY 2002 ELECTIONS GAVE THE CPV AND ITS VIETNAM

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FATHERLAND FRONT AN EXPLICIT VETO POWER. THE NEW SLATE OF NA DELEGATES ACTUALLY INCREASED THE PERCENTAGE OF CPV MEMBERS IN THE NA, REVERSING WHAT HAD APPEARED TO BE A DIFFERENT TREND IN THE ELECTIONS FIVE YEARS AGO AND FOILING THE NA'S OWN ANNOUNCED INTENTIONS.

¶7. (C) CPV PLENUM DOCUMENTS OVER THE PAST MANY MONTHS HAVE HIGHLIGHTED THE NEED TO IMPROVE "GRASSROOTS DEMOCRACY," BUT THIS HAS NOT LED TO AN EXPLOSION OF EMPOWERMENT OR PARTICIPATORY DECISION-MAKING AT THE LOCAL LEVEL. INSTEAD, THE PUSH APPEARS TO BE ON REINVIGORATING AND STRENGTHENING CPV LEADERSHIP DOWN TO THE LOWEST LEVELS IN ORDER TO COMMUNICATE THE CPV'S WILL DOWNWARD -- NOT TO ENSURE THAT OPINIONS AND POPULAR WISHES ARE CHANNELED UPWARD. THE CPV IS ALSO POISED -- OR AT LEAST IT SAYS IT IS -- TO IMPLEMENT MORE SYSTEMATIC ROTATION OF CPV AND GVN OFFICIALS AMONG

PROVINCES AS WELL AS BETWEEN PROVINCES AND THE CENTER IN ORDER TO UPROOT ENDEMIC CORRUPTION AND TO LESSEN LOCAL FIEFDOMS THAT SOMETIMES THREATEN EFFECTIVE CENTRAL CPV LEADERSHIP. IT IS ALSO ENGAGING IN A NEW PUSH TO RE-EMPHASIZE IDEOLOGICAL EDUCATION IN THE NATION'S ALREADY NONE-TOO-STRONG EDUCATIONAL SYSTEM, WHERE STUDENTS ARE FALLING FURTHER AND FURTHER BEHIND IN ENGLISH AND COMPUTER SKILLS -- AMONG OTHER ESSENTIAL TOPICS -- COMPARED WITH OTHER COUNTRIES IN THE REGION.

¶8. (C) THE LEGAL SYSTEM REMAINS AT BEST IN ITS INFANCY, ALTHOUGH PROGRAMS FUNDED BY THE USG, UNDP, AND OTHER DONORS HAVE BEGUN TO PAY OFF IN TERMS OF CAPACITY BUILDING WITHIN THE MINISTRY OF JUSTICE, THE JUDICIARY,

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AND THE NATIONAL ASSEMBLY. DESPITE CONSTITUTIONAL GUARANTEES THAT ALL DEFENDANTS SHOULD BE PRESUMED INNOCENT UNTIL PROVEN GUILTY, HOWEVER, AS MANY AS 95 PCT OF ALL CASES RESULT IN CONVICTION. THIS IS UNLIKELY EITHER TO BE A COINCIDENCE OR A TRIBUTE TO EFFECTIVE PROSECUTORS AND JUDGES. JUDGES IN VIETNAM WERE NOT EVEN REQUIRED TO HAVE A BACHELOR'S DEGREE UNTIL 1999. NO LEGAL TRAINING WAS OFFERED IN THIS COUNTRY BETWEEN 1954 AND 1976. THE MINISTRY OF JUSTICE DID NOT EVEN EXIST BETWEEN 1960 AND 1984. CPV CELLS CONTINUE TO EXIST IN THE MINISTRY OF JUSTICE, AS AT ALL OTHER MINISTRIES, AS WELL AS WITHIN THE JUDICIARY; THE COMMON PERCEPTION IS THAT THESE CELLS HAVE THE FINAL SAY ON ANY REMOTELY SENSITIVE CASE.

RULE BY PARTY VS. RULE BY LAW

¶9. (C) ARGUABLY, IT IS THE CPV-BLESSED TECHNICAL ASSISTANCE PROGRAMS AIMED AT CREATING OR IMPROVING RULE OF LAW -- OR AT LEAST WHAT MANY DEMOCRATIC ACTIVISTS DISMISSIVELY LABEL "RULE BY LAW" -- THAT MAY LEAD TO POLITICAL COLLISIONS SOONER RATHER THAN LATER. THE CPV WILL FACE TOUGH CHOICES ABOUT ITS OWN FUTURE ROLE. THE CONCEPTS OF TRANSPARENCY, ACCOUNTABILITY, PRIMACY OF LEGAL PRECEDENCE, EQUAL APPLICATION OF LAW AND REGULATION, AND NATIONAL TREATMENT FLY IN THE FACE OF TIME-HONORED CPV TRADITIONS OF SECRECY, PATERNALISTIC GOVERNANCE, AND FAVORITISM FOR STATE ENTITIES. MANY VIETNAMESE OPENLY ASSUME THAT SENIOR CPV LEADERS ARE VIRTUALLY IMMUNE FROM LEGAL PROSECUTION, APART FROM THE

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OCCASIONAL SCAPEGOATS (MOST RECENTLY IN THE NAM CAM CORRUPTION CASE THAT LED TO THE OUSTER -- BUT NOT PROSECUTION SO FAR -- OF ONE VICE MINISTER OF PUBLIC SECURITY AND THE DIRECTOR GENERAL OF THE VOICE OF VIETNAM RADIO). FOR RULE OF LAW TO WORK, THE CPV CANNOT RETAIN THE FINAL SAY, EVEN ON A PICK-AND-CHOOSE BASIS. TRUE JUDICIAL INDEPENDENCE WOULD UNDERMINE THE CPV'S CONSTITUTIONALLY-MANDATED ROLE AS THE LEADING FORCE OF THE STATE AND SOCIETY.

¶10. (C) FOR VIETNAM TO BECOME AND REMAIN TRULY COMPETITIVE IN THE REGIONAL AND INTERNATIONAL MARKET-BASED ECONOMY AND TO ATTRACT NEEDED FOREIGN INVESTMENT CAPITAL, HOWEVER, THE GVN HAS NO CHOICE BUT TO PROCEED WITH THE DEVELOPMENT OF ITS LEGAL SYSTEM AND BUILDING OF RULE OF LAW. IT CANNOT HOPE TO IMPLEMENT THE US-VIETNAM BILATERAL TRADE AGREEMENT WITHOUT DOING SO, NOR CAN IT DREAM OF WTO ACCESSION OTHERWISE. IT CANNOT SUSTAIN THE JOB CREATION MOMENTUM NEEDED TO EMPLOY ITS YOUNG AND GROWING POPULATION WITHOUT THE LEGAL GUARANTEES AND SAFEGUARDS THAT ENABLE PRIVATE ENTERPRISE TO FLOURISH. IT IS TRUE THAT VIETNAM'S ECONOMY AND SOCIETY HAVE NOT FARED AT ALL BADLY OVER THE PAST DECADE EVEN IN THE ABSENCE OF A GENUINE LEGAL SYSTEM. BUT THE "EASY" REFORMS HAVE ALREADY BEEN MADE. THE COMPETITION FOR MARKETS AND INVESTMENT INTERNATIONALLY OVER THE NEXT DECADE WILL BE MUCH

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R 270931Z SEP 02
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TO SECSTATE WASHDC 7649
INFO ASEAN COLLECTIVE
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C O N F I D E N T I A L SECTION 03 OF 04 HANOI 002345

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TOUGHER THAN ANYTHING VIETNAM HAS YET EXPERIENCED, AND
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MUST BE RULES-BASED.

¶11. (C) SIMILARLY, AS PERSONAL FREEDOMS HAVE EXPANDED AND AS THE YOUNGER GENERATION KNOWS MORE ABOUT FREER SOCIETIES BEYOND THESE BORDERS AND KNOWS LESS ABOUT VIETNAM'S OWN RIGID PAST, THESE TRENDS HAVE BECOME IRREVERSIBLE. WITHOUT A MANDATE OF CPV MEMBERSHIP TO MOVE UPWARD IN A STATE-CONTROLLED SYSTEM, FEWER YOUNG PEOPLE HAVE THE TIME AND INCLINATION TO DEVOTE TO CPV MEMBERSHIP, WITH ITS ENDLESS MEETINGS AND IDEOLOGICAL CAMPAIGNS. ONE SAVING GRACE FOR THE CPV IS THAT FEW PEOPLE SEEM ACTIVELY TO MIND CPV POLITICAL DOMINANCE, AND MANY APPEAR TO ACCEPT WITHOUT QUESTION THE ARGUMENTS IN SUPPORT OF A ONE-PARTY STATE.

HOLD YOUR BREATH

¶12. (C) NONG DUC MANH'S TENURE AS NATIONAL ASSEMBLY CHAIRMAN, CHARACTERIZED BY EFFORTS TO ENLARGE NA INFLUENCE AND OPEN UP ITS DELIBERATIONS, LED MANY OBSERVERS TO ASSUME HE WOULD CONTINUE THESE TRENDS AS CPV GENERAL SECRETARY. HOWEVER, CPV PLENUMS BEFORE THE DECEMBER 2001 NA CONSIDERATION OF CONSTITUTIONAL CHANGES AND BEFORE THE JULY 2002 NA VOTES ON THE NEW GOVERNMENT LINE-UP PROVIDED QUITE EXPLICIT "RECOMMENDATIONS" ON WHAT THE NA SHOULD AND SHOULD NOT DO, AND REINFORCED THAT NA DECISION-MAKING SHOULD BE NEATLY UNDER THE CPV LEADERSHIP AND GUIDANCE. SO FAR, NOTHING IN MANH'S TRACK RECORD AS GENERAL SECRETARY SUGGESTS AN INTEREST IN POLITICAL REFORM, APART FROM
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THE SEEMINGLY BACKWARD STEPS OF THE "GRASSROOTS DEMOCRACY" AND RENEWED IDEOLOGICAL EDUCATION CAMPAIGNS.

¶13. (C) THE CURRENT CONSENSUS-DRIVEN POLITBURO IS UNLIKELY TO AGREE ON MUCH BEYOND THE PRIMACY OF SUSTAINED ECONOMIC GROWTH AND DEVELOPMENT, NEED FOR DOMESTIC SOCIAL ORDER (AKA "STABILITY"), AND PROTECTION OF NATIONAL SOVEREIGNTY AND "SOLIDARITY." TINKERING WITH THE CPV'S LEADING ROLE, BLESSING NEW POLITICAL PARTIES, OR EVEN ENFORCING ALL OF THE RIGHTS AND FREEDOMS ELOQUENTLY EXPRESSED IN THE CONSTITUTION ARE UNLIKELY TO BE ON THE RADAR SCOPE OF THE POLIBURO. CREATING ENOUGH JOBS AND ENSURING THAT URBAN AND RURAL INCOMES CONTINUE TO RISE WILL KEEP THE CPV LEADERSHIP PREOCCUPIED FOR THE NEXT FEW YEARS.

¶14. (C) BUT IN FIVE OR TEN YEARS, AS MORE RESULTS-ORIENTED AND/OR WESTERN-EDUCATED OFFICIALS COME TO THE FORE IN ALL THE VARIOUS MINISTRIES AND NA, AND AS THE PRIVATE SECTOR CONTINUES TO GROW, THE NEED FOR A SHARPER SEPARATION BETWEEN THE CPV AND THE GVN AS WELL AS FOR HEIGHTENED RESPECT FOR RULE OF/BY LAW IN LIEU OF CPV DOMINATION WILL BE CLEARER. BARRING MAJOR DOMESTIC UNREST OR FOREIGN INVASIONS, THE NEXT GENERATION MAY BE READY TO ACQUIESCE IN MORE OF A BACKSEAT ROLE FOR THE CPV. MORE THAN THIS, THE NEXT GENERATION OF LEADERS MAY INSIST ON SUCH A CHANGE. EVEN SO, SUCH CHANGES ARE LIKELY TO BE TOP-DOWN RATHER THAN IN REACTION TO A CLAMOR FROM THE "MASSES," WHO ARE LIKELY TO REMAIN WITHOUT SIGNIFICANT VOICE IN THEIR OWN GOVERNANCE FOR THE FORESEEABLE FUTURE. LESS EDUCATED LOCAL GVN AND
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CPV OFFICIALS LIKELY WILL EXERT A SIGNIFICANT DRAG ON THIS TRANSFORMATION, HOWEVER. HOLDING OUR FIGURATIVE BREATH FOR A FREER SOCIETY AND LESSENED CPV ROLE HERE MAKES SOME SENSE; WAITING FOR A GENUINELY DEMOCRATIC VIETNAM TO EMERGE STILL DOES NOT.

¶15. (C) THE ROLE OF THE MILITARY AND SENIOR MND LEADERSHIP IN PARTICULAR REMAINS A MINOR WILDCARD. MND'S ROLE IN VIETNAM'S POLITICAL LIFE APPEARS TO HAVE DIMINISHED SIGNIFICANTLY OVER THE DOI MOI PERIOD; SOME

OBSERVERS WOULD ARGUE THAT THE MILITARY HAS INDEED BEEN MARGINALIZED DESPITE ITS SIZE AS WELL AS ITS NUMEROUS ECONOMIC INTERESTS. IF IT FAILS TO FIND A BETTER NICHE, MND COULD PLAY A SPOILER ROLE IN ANY EVENTUAL POLITICAL TRANSFORMATION AND REFORM, OR AT LEAST BLOCK THE EMERGENCE OF ANY NEW CONSENSUS ON STATE/SOCIETY RELATIONS.
BURGHARDT

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